

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, that I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled:

**METHOD AND APPARATUS FOR UTILIZING AN AUDIBLY CODED SIGNAL TO
CONDUCT COMMERCE OVER THE INTERNET**

the specification of which was filed on January 20, 2000 and assigned Serial No. 09/489,879, and that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe that said invention, design or discovery was ever known or used in the United States of America before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application; that said invention, design or discovery has not been patented or made the subject of an inventor's certificate issued prior to the date of this Application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns; and that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 C.F.R. § 1.56 (a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a) of any foreign application(s) for patent or inventor's certificate listed below and have also identified any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

NONE

I hereby claim provisional priority benefits under 35 U.S.C. § 119(e) of any provisional application(s) for patent or inventor's certificate listed below and have also identified any provisional application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

NONE

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C § 112, I acknowledge the duty to disclose material information as defined 37 C.F.R.

§ 156 (a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

This application is a Continuation-in-Part of pending U.S. Patent Application Serial No. 09/382,421 (Atty. Dkt. No. PHL-24,740) entitled A COMBINED PRODUCT CODE AND INSIGNIA FOR SIGNIFYING AN INTERNAL INTERACTIVE CODE."

I hereby appoint:

Gregory M. Howison, Reg. No. 30,646
Mark W. Handley, Reg. No. 36,821
Stephen S. Mosher, Reg. No. 33,974
Eric D. Jorgenson, Reg. No. P-46,002

all of the firm HOWISON & HANDLEY, L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications based thereon in any foreign country or before any international authorities under the Patent Cooperation Treaty.

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Atty. Docket No. PHL-24,918

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of the First Sole Inventor: **Jeffry Jovan Philyaw**

Inventor's Signature: _____

Date: _____

2-14-2000

Residence (City, State): **Dallas, Texas 75225**

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